then be sent for disposal in a nonhazardous waste facility.

EPA also believes that current regulations promulgated under RCRA Subtitle D provide protection for the disposal of ash as a nonhazardous waste. In 1991, the Agency promulgated new criteria for municipal solid waste landfills, including landfills and monofills that accept MWC ash (40 CFR Part 258). These criteria impose a comprehensive set of requirements on municipal solid waste landfills (MSWLFs) including requirements for location restrictions, facility design and operation, ground-water monitoring and corrective action, closure and post-closure care, and financial assurance. The Agency has conducted studies on the land disposal of MWC ash from WTE facilities and has found no evidence to suggest that disposal in a Subtitle D landfill will endanger human health and the environment. Copies of these studies are available in the docket for this notice.

For example, EPA has conducted a study on the effects of MWC ash leachate on natural and synthetic lining materials commonly employed in the construction of municipal solid waste landfill liners. That study indicates that carefully selected landfill liner materials can, when exposed to MWC ash leachate, be expected to function as an effective barrier to leachate migration. In addition, EPA is conducting ongoing, *in situ* studies of leachate from monofills receiving ash from a WTE facility. These studies reveal leachate concentrations of relevant metals are below their respective TC limits. The States have indicated that their data also corroborates EPA's findings.

It is important to note that while states may allow varying liner designs for ash monofills or co-disposal facilities, these designs must still meet a performance standard intended to protect ground water resources. In addition, all landfills regulated under RCRA Subtitle D are required to perform ground-water monitoring as a way of detecting a release should one occur. In the event of a release to ground water, the owner/operator of the landfill must perform corrective action to clean up the ground water.

The Agency also does not believe that the process of combining and treating ash within the combustion building will pose risks to human health. The Agency understands that many State environmental programs allow the ash to be combined and conditioned prior to exiting the combustion building for testing. These states have not indicated to the Agency that these current practices are presenting a risk to human health. In fact, the risk of exposure to fugitive ash emissions could be heightened if WTE facilities were required to sample or otherwise manage fly ash separately from bottom ash. This is because fly ash is generally a fine powdery substance that would become readily airborne were it not for such normal practices as combining the fly ash with the bottom ash in a quench tank to impede air emissions. Handling fly ash before it is combined could increase the risk of release to the environment.

Further, EPA recently published proposed regulations under the Clean Air Act for new and existing municipal waste combustors that address ash. These regulations would prohibit visible emissions of fugitive fly ash and/or bottom ash from all ash handling activities at the facility. They also address the ash loading areas and ash transport vehicles (59 FR 48222, September 20, 1994).

Finally, the Agency understands that some groups are concerned about the potential environmental risk posed by the reuse of ash in projects such as road base, building blocks, and sidewalks. These groups have expressed a desire that the Agency either ban ash reuse or place stringent controls on reuse. While reuse of ash currently is not common in the U.S. (the Agency believes that significantly less than ten percent of the ash generated in the U.S. is reused), the Agency does not believe that today's interpretation will stimulate increased interest in ash reuse. It is important to note that, if the WTE facility were required to test bottom ash and fly ash separately and found that either ash failed the TC determination, that facility could treat the ash on-site to either below TC limits or in accordance with the land disposal restrictions (when they are set). After this treatment, ash would no longer be classified as a hazardous waste and could be used without further hazardous waste regulation (e.g., in construction projects). EPA does not currently anticipate that future LDR treatment will differ significantly from some of the ash conditioning techniques currently used at WTE facilities. It also is important to note that many states have programs addressing the management of ash from WTE facilities. Currently, over one-half of the states address the reuse of ash.

Should information come to EPA's attention suggesting that WTE ash is being managed or disposed of in a manner that is not protective of human health and the environment under Subtitle D, the Agency will consider additional actions, including issuing management guidelines and, if appropriate, promulgating additional regulations to address those situations. In addition, at individual sites, if the disposal of ash presents an imminent and substantial endangerment to human health and the environment, EPA may require responsible persons to undertake appropriate action under § 7003(a) of RCRA.

IV. Conclusion

In conclusion, today's interpretation of RCRA § 3001(i) designates the point of Subtitle C jurisdiction for WTE ash at the exit of the combustion building following the combustion and air pollution control processes. The Agency believes that this reading is a reasonable interpretation of the statute that serves the stated goals of § 3001(i).

EPA emphasizes that today's decision on the appropriate location to make the hazardous waste determination for MWC ash is unique based on its interpretation of RCRA § 3001(i). EPA's analysis and conclusions are not relevant to facilities that do not fall within the scope of RCRA § 3001(i).

EPA considers this action to be an interpretative rule exempt from the requirement for prior notice and opportunity to comment under section 553(b)(3)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A). The notice merely informs the public of EPA's view of the definition of ''facility'' in section 3001(i) as derived from the text of the statute, legislative history, and EPA's view of Congressional intent.

Dated: January 27, 1995.

Carol M. Browner,

Administrator.

[FR Doc. 95–2627 Filed 2–2–95; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcasting Services; Various Communities

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken

pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to Permit FM Channel and Class Modifications [Upgrades] by Application*, 8 FCC Rcd 4735 (1993).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, adopted January 18, 1995, and released January 26, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by deleting Channel 232A and adding Channel 232C3 at Abbeville; and deleting Channel 293C3 and adding Channel 293C2 at Bay Minette.

3. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by deleting Channel 280C3 and adding Channel 280A at College.

4. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by deleting Channel 223C and adding Channel 223C1 at Eagar.

5. Section 73.202(b), the Table of FM Allotments under California, is amended by deleting Channel 300C1 and adding Channel 300A at Mount Shasta.

6. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by deleting Channel 292C2 and adding Channel 292C3 at Kremmling.

7. Section 73.202(b), the Table of FM Allotments under Florida, is amended by deleting Channel 268C1 and adding Channel 268C at Pensacola; and deleting Channel 276A and adding Channel 276C3 at Plantation Key.

8. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by deleting Channel 258C and adding Channel 258C1 at Douglas.

9. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by deleting Channel 224A and adding Channel 223A at Kokoma.

10. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by deleting Channel 250A and adding Channel 250C3 at Hyden; and deleting Channel 296A and adding Channel 299A at Owingsville.

11. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by deleting Channel 230C2 and adding Channel 230C3 at Bastrop.

12. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by deleting Channel 258C1 and adding Channel 258C2 Sault Ste. Marie.

13. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by deleting Channel 243C3 and adding Channel 243A Clarksdale.

14. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by deleting Channel 268C and adding Channel 268C1 at Clovis.

15. Section 73.202(b), the Table of FM Allotments under New York, is amended by deleting Channel 263A and adding Channel 262B1 at Warrensburg.

16. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by deleting Channel 260C and adding Channel 260C1 at Burgaw.

17. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by deleting Channel 232A adding Channel 232C3 at Elk City.

18. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by deleting Channel 258C and adding Channel 258C1 at Klamath Falls.

19. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by deleting Channel 264C and adding Channel 264C1 at Lowry.

20. Section 73.202(b), the Table of FM Allotments under Texas, is amended by deleting Channel 234A and adding Channel 234C3 at Corpus Christi; deleting Channel 234C1 and adding Channel 234C at El Paso; and deleting Channel 231C2 and adding Channel 231C3 at Point Comfort.

21. Section 73.202(b), the Table of FM Allotments under Utah, is amended by deleting Channel 238C and adding Channel 238C1 at Ogden.

22. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by deleting Channel 297C2 and adding Channel 297C3 at Iron River; and deleting Channel 249C2 and adding Channel 249C3 at Rice Lake.

23. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by deleting Channel 250C and adding Channel 250C1 at Cheyenne.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–2682 Filed 2–2–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN: 1018–AB88

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Ten Plants and Threatened Status for Two Plants From Serpentine Habitats in the San Francisco Bay Region of California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines endangered status pursuant to the Endangered Species Act of 1973, as amended (Act) for 10 plants: *Castilleja affinis* ssp. *neglecta* (Tiburon paintbrush), *Ceanothus ferrisae* (coyote ceanothus), *Cirsium fontinale* var. *fontinale* (fountain thistle), *Clarkia franciscana* (Presidio clarkia), *Cordylanthus tenuis* ssp. *capillaris* (Pennell's bird's-beak), *Dudleya setchellii* (Santa Clara Valley dudleya), *Eriophyllum latilobum* (San Mateo woolly sunflower), *Pentachaeta bellidiflora* (white-rayed pentachaeta), *Streptanthus albidus* ssp. *albidus* (Metcalf Canyon jewelflower), and *Streptanthus niger* (Tiburon jewelflower). The Service also determines threatened status for two plants, *Calochortus tiburonensis* (Tiburon mariposa lily) and *Hesperolinon congestum* (Marin dwarf-flax). These species are restricted to serpentine soil outcrops in the area near San Francisco Bay, California. The 12 plants have been variously affected and are threatened by one or more of the following: urbanization, pedestrian, and off-road vehicular traffic, the invasion of alien plants, road maintenance, soil erosion and slipping, unauthorized dumping, livestock grazing, seed predation by beetles, and stochastic extinction by virtue of the small,